IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

FIRST APPEAL NO. 851 OF 1989.

The State of Mahashtra through
Collector, Sangli. ... Appellant.
Versus.
Krishnaji Ramchandra Chinchalikar & ors.... Respondents.

Shri K.K.Tated for the Appellant.

None for the Respondents.

CORAM : ABHAY S.OKA, J.

DATED : 18th MARCH, 2006.

P.C.:

1. The order dated 4th August 2004 discloses that the appeal has been abated as against the Respondent No.1.

2. The Appeal is preferred by the State of Maharashtra challenging the Judgment and award dated 7th January 1988 passed in a Reference under section 18 of the Land Acquisition Act, 1894. By the impugned Judgment and Award, the Reference Court granted enhancement in market value in favour of the Respondents who were the Claimants. The Land Acquisition Officer by Award under section 11 determined the Market value at the rate of Rs.2500/- per acre for jirayat land and Rs.3000/- per acre for bagayat land. The Reference Court enhanced the market value to Rs.6000/- per acre and award has been passed accordingly.

3. The Award has been passed jointly in favour of

the Respondents who are the original Claimants. As a result of abatement of the appeal as against Respondent No.1, the Judgment and Award has been confirmed as regards the Respondent No.1. If the Appellant-State succeeds in the Appeal, the market value will have to be reduced. In such an eventuality there will be two inconsistent awards one in respect of Respondent No.1 and the other in respect of Respondents Nos.2 to 5. In such case there will be different market values of the same property. Such inconsistent awards cannot be passed.

4. In view of this position the Appeal which stands abated as against the Respondent No.1, cannot be proceeded against Respondents Nos.2 to 5 and is disposed of accordingly.

Judge.